IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO: 3583 of 2000

Between:

A.Kishore Kumar, S/o.Late A.V.Lakshmaiah Shetty,
R/o.H.No.26-350/C, Upstairs, Near Chinna Market,
Kurnool.

... PETITIONER

AND

1 Indian Bank, Rep. by its Chairman & Managing Director,
Central Office, Chennai.
2 Indian Bank, Rep. by its Asst. General Manager,
Prosonnel Department, Hyderabad.
3 Indian Bank, Rep. by its Regional Manager,
Chittoor.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the respondents in not providing suitable employment to the petitioner on compassionate grounds as illegal, arbitrary, and consequently direct the 1st respondent herein to provide compassionate appointment to the petitioner and grant such relief or reliefs as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent No.: MR.P.SURESH (S.C for Bank) (Not Present)

The Court made the following:

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ORDER:

This writ petition is filed seeking a writ of *Mandamus* declaring the action of the respondents in not providing suitable employment to the petitioner on compassionate grounds, as arbitrary, illegal and consequently to direct the first respondent to provide compassionate appointment to the petitioner.

2. It is the case of the petitioner that his father late A.V.Lakshmaiah Shetty, while working as Assistant Manager in the respondent bank, died in harness on 7.9.1995. The family is distressed and there is no man, who was earning livelihood. Therefore, the petitioner filed an application on 13.10.1995 seeking employment in the respondent bank, on compassionate grounds, since his father died in harness. The said application of the petitioner was rejected by letter dated 22.4.1996 of the Regional Manager's Office, saying that they regret to inform that the Central Office has expressed its inability to consider the request of the petitioner for appointment in clerical cadre, under compassionate grounds. Except this, no other reasons were furnished. According to the petitioner, there is a scheme available for providing employment on compassionate grounds to the cadre of clerks and sub staff. The respondents have callously rejected the request of the petitioner, without properly looking into the matter.

3. A detailed counter affidavit has been filed by the second respondent stating that the only ground, on which compassionate appointment was sought to be rejected is that there is no penurious condition in the deceased family, and no right as such is vested in seeking employment. The object of the scheme is to enable the family to get over financial crisis, which it faces at the time of death of sole bread-winner. The compassionate employment cannot be claimed and offered, wherever there is lapse of time and after the crisis is over. In the present case, the mother of the petitioner is drawing family pension. Miss. Jayasree, sister of the petitioner is employed as a

Clerk in the same bank and the family is in possession of movable and immovable assets valued at Rs.6,22,260/- and the terminal benefits settled by the bank amounting to Rs.1,01,763/- was also paid. Therefore, there is no penurious financial condition and the petitioner is not entitled for any relief, as sought for.

4. I have given my earnest consideration to the respective contentions made by the learned counsel on either side and looked into the material made available on record. It is unfortunate that the respondents have taken a stand that the mother of the petitioner is getting family pension and the sister of the petitioner is employed as a Clerk in the very same bank and they have possessed valuable property of Rs.6,22,260/- and the Bank had paid terminal benefits valued at Rs.1,01,763/- after the death of the petitioner's father and therefore, there is no penurious condition in the family, and there is no necessity of providing employment on compassionate grounds. However, these were not the reasons furnished in the impugned proceedings. The reasons are furnished now in the counter. These reasons, whether it is settlement of Rs.1,00,000/- and above, paid as terminal benefits, or the property held by the petitioners family upto Rs.6,00,000/-, cannot be said to be not a penurious condition of the family in these hard days. It is not the case of the respondents that the sister of the petitioner was appointed on compassionate grounds and she is not married. The reasons furnished by the respondents are untenable and arbitrary in its nature. Be that as it may, since a new scheme has been framed by the bank, which contemplates consideration of fresh and pending cases for the purpose of appointment on compassionate grounds to the cadre of clerical or subordinate cadre, it would suffice to direct the respondents to consider the case of the petitioner afresh and pass appropriate orders.

5. In the result, the impugned order is set aside and the respondents are directed to reconsider the case of the petitioner in the light of the Scheme for Compassionate appointment/cash compensation to eligible dependents of the employees dying in harness/employees seeking premature retirement on medical grounds, and pass appropriate orders within a period of three months from the date of receipt of copy of this order.

6. With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Dated: 9.6.2005.

RAR

To

1 Indian Bank, Rep. by its Chairman & Managing Director,
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2 Indian Bank, Rep. by its Asst. General Manager,
Prosonnel Department, Hyderabad.
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4 2 CD copies.